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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,507	12/21/2001	Donald E. Bobbitt	42072	2198

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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,507

Applicant(s)

BOBBITT, DONALD E.

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is a first office action for application Serial No. 10/024,507 filed December 21, 2001.

Claim Objections

1. Claim 1 is objected to because the recited language “for receiving first and second cableways” is confusing as how to receive the first and second cableways since these features has not been be previously defined. All features of the claimed invention must be positively defined. For example, the features of claim 2 should be combined with claim 1. Due to the confusion, the claim 1 is being treated as a combination on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by White (US Patent No. 5,156,454) .

White shows and discloses a light fixture foundation comprising: a hollow shaft (12) having a tubular wall extending along a central longitudinal axis, at first and second cableway openings (14) extending through the tubular wall along two axes substantial perpendicular to the central longitudinal axis, at least two cableway opening (14) laterally spaced from each other and being non-coaxial, at least two cableways (18) supporting electrical wiring (40) and being received in the respective cableway openings, said cableways being substantially at a same

vertical lever such that the cableways are positioned co-planar with respect to each other, and a support member (22) for supporting a lighting assembly coupled to the shaft, said support member having a passageway (26) in communication with the hollow shaft to receive the cableways such that the cableways are extended through the passageway.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell Power system, Inc.

Hubbell Power Systems, Inc. teaches a site lighting fixture foundation comprising a hollow shaft having cableway openings being precut to extend through opposite surfaces of the tubular wall of the shaft, an anchor at the lower end of the shaft for driving and supporting the hollow shaft into the ground, a support member being a base plate fixed to an axial upper end of the shaft having bolts for releasably supporting a lighting assembly thereon, the support member having a passageway in communication with the hollow shaft such that cableways are extended through the cableway openings in opposite directions of the hollow shaft and the passageway of the support member. Wherein, Hubbell Power System teaches the lighting fixture foundation being installed by obvious steps of excavating a trench in suitable depth and width, anchoring the hollow shaft in the trench by a hydraulic rotary equipment, placing cableways supporting

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electrical wiring in the trench on opposite sides of the shaft , inserting the cableways into the cableway openings and extending upward through the passageway of the support member, mounting a lighting assembly being coupled to the support member, and connecting the electrical wiring of the cableways with the lighting unit supported by the light support . Hubbell Power System fails to define the hollow shaft having cableway openings extending substantially perpendicular to the longitudinal axis of the hollow shaft with the openings being in a same lever and being laterally spaced from each other as claimed. White teaches a lighting fixture foundation comprising a plurality of cableway openings (14) extending substantially perpendicular to the hollow shaft and laterally spaced each other to prevent the cableways interfering with one another. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light fixture foundation of Hubbell Power System Inc. having the hollow tubular shaft precut with at least two cableway openings on opposite sides of the shaft to provide cableway openings being laterally spaced from each other as taught by White such that the openings receiving cableways to connect wiring without interfere each other.

Citations

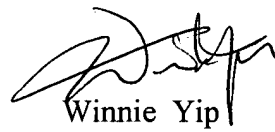
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ginsbury '857, Bergenstein '252, Snavelly '870, Bober '729, Bivens '280, and Beachely '738 teach various lighting fixture foundations having hollow shaft with cableway openings as similar to the claimed invention . Edwards et al. '310 and Holdeman '168 teach various foundation supports with anchoring as similar to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 703-308-2491. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Winnie Yip
Patent Examiner
Art Unit 3637

wsy
June 25, 2003